

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 930

Introduced by Assembly Member Saldana

February 26, 2009

~~An act relating to public contracts.~~ *An act to amend Section 14615.1 of the Government Code, relating to state government.*

LEGISLATIVE COUNSEL'S DIGEST

AB 930, as amended, Saldana. ~~Competitive procurement; regulations.~~
Department of General Services: Administrative Procedures Act.

Existing law provides that, commencing January 1, 1999, the processes, procedures, or policies maintained, developed, or prescribed by the Department of General Services in connection with the administration of its duties under specified provisions of the Public Contract Code or the Government Code are exempt from the Administrative Procedure Act, including actions taken by the department with respect to the State Administrative Manual and the State Contracting Manual.

This bill would also apply these provisions to actions taken by the department prior to January 1, 1999, with respect to competitive procurement in the State Administrative Manual and the State Contracting Manual.

~~Existing law sets forth specified requirements for state contracts.~~

~~This bill would declare that the requirements of the State Administrative Manual and the State Contracting Manual, related to competitive procurement, are regulations with the force and effect of law.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14615.1 of the Government Code is
2 amended to read:
3 14615.1. (a) Where the Legislature directs or authorizes the
4 department to maintain, develop, or prescribe processes,
5 procedures, or policies in connection with the administration of
6 its duties under this chapter, Chapter 2 (commencing with Section
7 14650), or Part 2 (commencing with Section 10100) of Division
8 2 of the Public Contract Code, the action by the department shall
9 be exempt from the Administrative Procedure Act (Chapter 3.5
10 (commencing with Section 11340), Chapter 4 (commencing with
11 Section 11370), Chapter 4.5 (commencing with Section 11400),
12 and Chapter 5 (commencing with Section 11500)). This section
13 shall apply to actions taken by the department with respect to the
14 State Administrative Manual and the State Contracting Manual.
15 (b) *To the extent permitted by the United States and California*
16 *Constitutions, subdivision (a) also applies to actions taken by the*
17 *department prior to January 1, 1999, with respect to competitive*
18 *procurement in the State Administrative Manual and the State*
19 *Contracting Manual.*
20 ~~SECTION 1. The Legislature hereby finds and declares that~~
21 ~~the requirements of the State Administrative Manual and the State~~
22 ~~Contracting Manual, related to competitive procurement, are~~
23 ~~regulations with the force and effect of law.~~